

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JOEL ARANAZ, FIRE CHIEF - FIVE CITIES FIRE AUTHORITY 
SUBJECT: ADOPT RESOLUTION DECLARING WEEDS TO BE A NUISANCE AND PROVIDING FOR WEED ABATEMENT

BACKGROUND

At the February 7, 2011 City Council meeting, a Resolution was adopted authorizing the Five Cities Fire Authority ("Authority") to administer and coordinate the annual Weed Abatement Program on the City's behalf.

Each spring the City Council adopts a Weed Abatement Program to ensure the safety of properties throughout the City. It is the intent of the Authority to encourage property owners to maintain their properties in a safe condition. To achieve this goal, the Authority is administering this program to ensure property owners meet the standards and the property poses no fire hazard to the community.

The process the Authority will use for notification includes: 1) City Council declaring weeds to be a nuisance; 2) inspection of all properties in the City to create a list for the Public Hearing; 3) mailing a "Notice to Abate Fire Hazard" to all property owners found to be in violation via letter; and 4) after the Public Hearing, property owners will be given thirty (30) days to clear their properties. A re-inspection of all properties in violation will be conducted in early June. Properties found in violation will be referred to the contractor for clearing. The cost of clearing the lots, plus a Fire Authority administrative fee and a City indirect cost fee, will be placed on the property owners' tax bill.

DISCUSSION

Attached to this staff report (Attachment 1) is a Resolution declaring weeds and other materials as a seasonal and recurring nuisance and directing the Fire Chief of the Authority to prepare a list of parcels requiring abatement.

APPROVED FOR FORWARDING



**ROBERT PERRAULT
CITY MANAGER**

Please Review for the Possibility of a Potential Conflict of Interest:

- | | |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> None Identified by Staff | <input type="checkbox"/> Lee |
| <input type="checkbox"/> Peterson | <input type="checkbox"/> Marshall |
| <input type="checkbox"/> Bright | <input type="checkbox"/> Nicolls |

Meeting Date: May 6, 2013

Agenda Item No. 11

The Resolution further identifies the Fire Chief as the Superintendent of the Program and directs the Fire Chief (and assistants) to notice property owners and set a protest hearing for the City Council meeting of Monday, June 3, 2013.

Also attached is an example of the "Notice to Abate Fire Hazard" letter (Attachment 2) that will be mailed to the property owners found to be in violation explaining the process, listing the public hearing dates and compliance deadlines, and the City Standards to continue to maintain the property.

ALTERNATIVES

The following alternatives are available for the Council to consider:

1. Adopt a Resolution Declaring Weeds to be a Nuisance and Providing for Weed Abatement Pursuant to Government Code Sections 39560 through 39588; Article 2 – Alternative Procedures for Weed and Rubbish;
2. Provide alternate direction to the Fire Chief of the Five Cities Fire Authority.

RECOMMENDED ACTION

It is recommended the City Council adopt the Resolution declaring weeds to be a nuisance and providing for weed abatement pursuant to Government Code Sections 39560 through 39588; Article 2 – Alternative Procedures for Weed and Rubbish Abatement.

FISCAL IMPACT

Costs associated with abatements will be placed on the property owners' property tax bills.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.

Attachments

1. Resolution Declaring Weeds to be a Nuisance and Providing for Weed Abatement Pursuant to Government Code Sections 39560 through 39588; Article 2 – Alternative Procedures for Weed and Rubbish Abatement
2. "Notice to Abate Fire Hazard" Letter

RESOLUTION NO. 13-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH DECLARING WEEDS TO BE A NUISANCE AND PROVIDING FOR WEED ABATEMENT PURSUANT TO GOVERNMENT CODE SECTIONS 39560 THROUGH 39588; ARTICLE 2 – ALTERNATIVE PROCEDURES FOR WEED AND RUBBISH ABATEMENT

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

1. That there exists on numerous lots and parcels of real property within the City of Grover Beach weeds, dry grass, stubble, brush, litter and other flammable material which endangers the public safety by creating a fire hazard and which the City Council of the City of Grover Beach hereby finds and declares to constitute a public nuisance which should be removed and cleared from each and all of said premises.

2. That the Fire Chief of the Five Cities Fire Authority is hereby directed to prepare a listing of each such lot or parcel describing it by the street name and the Assessor's Parcel Number according to the official City Assessment Map, that being the County Assessment Map, with said listing to be filed with the City Clerk prior to June 3, 2013.

3. That pursuant to law, notice shall be given to destroy, remove and clear dry weeds, grass, stubble, brush, litter and other materials existing on said various and sundry lots and parcels of land within the City of Grover Beach, and a Public Hearing meeting on said matters is hereby set for Monday, June 3, 2013, at the hour of 6:30 p.m., or soon thereafter, in the City Hall Council Chambers, 154 South Eighth Street, Grover Beach, California.

4. That the Fire Chief of the Five Cities Fire Authority, together with appointed assistants and deputies, is hereby directed to notice the owners of the abatable lots of this Resolution and of said hearing of the lots and parcels within said City containing such dry weeds, grass, stubble, brush, litter and other flammable materials pursuant to Sections 39564, 39566, and 39567 of the Government Code of the State of California.

5. That the Fire Chief of the Five Cities Fire Authority is hereby designated as the person referred to in Government Codes Sections 39560, et seq. as "Superintendent" and shall have all the powers and perform all of the duties and acts as therein specified in said Article 2.

6. That the City Clerk of said City is hereby directed to forthwith cause to be published once in The Tribune, a newspaper of general circulation, notice of said public hearing not less than ten (10) days prior to said hearing.

On motion by Council Member _____, seconded by Council Member _____, and carried on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing Resolution was **PASSED, APPROVED** and **ADOPTED** this 6th day of May, 2013.

DRAFT

DEBBIE PETERSON, MAYOR

ATTEST:

DONNA L. MCMAHON, CITY CLERK



NOTICE TO ABATE FIRE HAZARD

May 2013

SUBJECT: 2013 Weed Abatement Program

Dear Property Owner:

The City of Grover Beach adopted a Resolution for the Five Cities Fire Authority to administer the Annual Weed Abatement Program. **This is the only notice you will receive.** Pursuant to California Government Code Sections 39561 and 39562.2 the City Council adopted a Resolution declaring weeds to be a nuisance and providing for weed abatement. The impact of this is that you, as the property owner, are responsible to clear and maintain the property in compliance with the adopted Standards as noted below.

The following Standards are to be used:

- All Zones (except the R-A Zone): No grass, weeds or deciduous growth over 4 inches high. All piles of soil and/or dirt shall be removed. No accumulation of debris, clippings, rubbish or waste may be present.
- R-A Zones: A firebreak thirty (30) feet in width around the inside perimeter of the property lines. (This fire break may consist of tilled soil or cultivated and irrigated fire resistant foliage.) No accumulation of rubbish, debris or waste may be present.

After inspections are completed and a list is compiled of properties needing abatement, a Public Hearing will be held on June 3, 2013 giving property owners the opportunity to protest if a property owner believes his/her property is on the list in error. Property owners will be given 30 days to abate their properties (June 3rd – July 2nd.) Failure to abate the weeds and comply with the standards by July 2, 2013 will require the Fire Authority to have a contractor clear the property and place the cost, including a substantial Fire administrative fee and City indirect cost fee, on the tax rolls for your property. A Public Hearing will be held on July 15, 2013 if a property owner wishes to protest the charges. We will also consider issuing a citation to criminal court for violation of California Fire Code Section 103.4.4 (Failure to Abate a Fire Hazard). This administrative fee could increase the cost of abating the property by more than 100%. If you use a contractor or other type of service provider, please make sure they have a City of Grover Beach business tax certificate.

For questions or clarification, please call the Five Cities Fire Authority at (805) 473-5486.

Sincerely,

JOEL ARANAZ
Fire Chief